

DECLARATION OF COUNSEL

I, Shannon Coit, hereby state and declare as follows:

1. I am a Deputy Federal Public Defender in the Central District of California appointed to represent Maksim Zaitsev, in the above-titled action.

2. I have reviewed discovery in this case. A video produced by the government shows Officer Hisle immediately following the incident in this case and the plastic glove on his right hand is split open.

3. Following Mr. Zaitsev's release on bond, he was held by the U.S. Marshals for an ICE detainer. On April 4, 2025, ICE officers picked him up from the U.S. Marshal lock up at the First Street Courthouse and transferred him to the ICE facility in Adelanto, CA.

4. On April 5, 2025, defense counsel notified government counsel of the incident as stated in Exhibit B. In a follow-up meet and confer on April 7, 2025, the parties discussed the incident and the prosecutors assured defense counsel that they would inform immigration officials that any such behavior should not be repeated. Defense counsel confirmed with government counsel on May 16, 2025 that they spoke to immigration officials following this incident.

5. On May 15, 2025, at 9:30 a.m., I spoke with Mr. Zaitsev by video conference. Neither I nor Ryan Shelley, the other defense counsel for Mr. Zaitsev, had not spoken to him since the court hearing on May 14, 2025. He immediately told me about Officer Hisle's verbal threat and use of force. Specifically, he told me the following:

- a. Officer Hisle took him into the ICE offices. Mr. Zaitsev was handcuffed with his hands behind his back. Officer Hisle gripped Mr. Zaitsev's arm forcefully and very aggressively.
- b. Officer Hisle was wearing a mask. When Mr. Zaitsev was facing the wall, Officer Hisle got within inches of his face, pulled down his mask,

1 and said “Remember me? Remember me?” Officer Hisle was pointing
2 to his face when he said this.

3 c. Officer Hisle was threatening him and it caused him to be afraid.

4 6. On May 16, 2025, around 9:05 a.m., during a site visit at the ICE offices
5 for this case, government counsel confirmed that they learned about Officer Hisle’s
6 interaction with Mr. Zaitsev on May 14, 2025 around noon. They explained to defense
7 counsel that they raised the issue immediately following their conversation with Officer
8 Hisle to their supervisors at the United States Attorney’s Office. It is defense counsel’s
9 understanding that they are required to do this. Based on the discussions with their
10 supervisors, government counsel then waited to inform defense counsel about the threat
11 until Agent Smith created a report memorializing the conversation. Defense counsel
12 confirmed with government counsel that they expected the report to reflect only the
13 information stated in a conversation that they both attended.

14 7. Then, during a meet and confer on May 16, 2025 at 10:30 a.m.,
15 government counsel provided the following additional information:

16 a. Officer Hisle was assigned to work at the ICE offices on May 14, 2025.
17 However, his supervisors could not provide any further information as
18 to why he was in the intake department/area of the ICE offices when
19 Mr. Zaitsev came back from the ICE facility. He was not assigned to
20 be in the intake area.

21 8. On May 16, 2025, I spoke with Mr. Zaitsev again and discussed the threat.
22 He provided the following additional information:

23 a. He recalled another ICE officer saying “man, relax” to Officer Hisle.
24 b. He is frightened and has been up at night thinking of what might
25 happen to him and where he will be taken if he testifies.
26 c. This incident also reminds Mr. Zaitsev of his past harassment and
27 violence at the hands of Russian law enforcement.
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1 9. On May 17, 2025, government counsel emailed defense counsel and stated
2 that they no longer plan to call Officer Hisle as a witness, though they will make him
3 available for the defense to call him. Defense counsel previously requested that
4 Officer Hisle be available as a witness in Mr. Zaitsev's case.

5 10. On May 17, 2025, I spoke with Mr. Zaitsev and reviewed a portion of the
6 surveillance video in Exhibit D. He provided the following additional information:

7 a. Officer Hisle said more to Mr. Zaitsev in English, but he could not
8 understand what Officer Hisle was saying.

9 b. Mr. Zaitsev's fear is further exacerbated by reports of violence from
10 ICE officers that he has heard from other ICE detainees.

11 11. During my conversations with Mr. Zaitsev on May 15, 16, and 17, I
12 observed that Mr. Zaitsev was visibly disturbed, anxious, and stressed by the threat.

13 12. I reviewed discovery in this case relating to Agent Smith. The government
14 has produced several reports showing that, together with government counsel, Agent
15 Smith has met with Officer Hisle multiple times over the last few weeks and months to
16 prepare him to testify against Mr. Zaitsev at trial.

17 13. While in ICE custody at Adelanto, Mr. Zaitsev does not have access to the
18 telephone to call defense counsel on a non-recorded line outside of scheduled visits.

19 14. Because Mr. Zaitsev is currently detained at an ICE facility in Adelanto, I
20 am not able to get a signed declaration from him in time for the filing of this motion. I
21 am instead including information in this declaration that he would provide.

22 15. The following are exhibits to Mr. Zaitsev's motion to dismiss for
23 government misconduct:

24 a. Exhibit A includes true and accurate copies of pictures of Mr. Zaitsev
25 on February 25, 2025 following the incident when Officer Hisle and
26 Officer Robles repeatedly punched Mr. Zaitsev. These pictures were
27 produced by the government in this case;
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- b. Exhibit B is a true and accurate copy of an email between counsel in this case;
- c. Exhibit C is a true and accurate copy of the May 15, 2024 report regarding the May 14, 2025 meeting between government counsel, Agent Smith, and Officer Hisle;
- d. Exhibit D is a true and accurate copy of the surveillance video produced by the government in this case. A copy of the surveillance video will be provided to the Court in a weblink and USB drive;
- e. Exhibit E is a true and accurate copy of a May 15, 2025 email chain between counsel in this case;
- f. Exhibit F is a true and accurate copy of an email from government counsel relating to the production of Exhibit C;
- g. Exhibit G is a true and accurate copy of the surveillance video produced by the government in this case. A copy of the surveillance video will be provided to the Court in a weblink and USB drive;
- h. Exhibit H is a true and accurate copy of a May 15, 2025 email from government counsel to defense counsel;
- i. Exhibit I is a true and accurate copy of an ICE memorandum written by Officer Hisle as part of ICE's disciplinary investigation into Officer Hisle's action on May 14, 2025. Government counsel provided this document to defense counsel on May 16, 2025.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 17, 2025, at Los Angeles, California.

/s/ Shannon Coit